"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2010-2012."



छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 154-टी] रायपुर, बुधवार, दिनांक 27 अप्रैल 2011—वैशाख 7, शक 1933

विधि और विधायी कार्य विभाग

मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 26 अप्रैल 2011

क्र. 3069/डी. 264/21-अ/प्रा./छ.ग./10.—भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र सं. एफ. 1 (88)/09-वि. I, नई दिल्ली, दिनांक 25-06-2010 के अनुसरण में दि नेशनल कैपिटल टेरिटोरी ऑफ देल्ही लॉज (स्पेशल प्रोव्हिजन्स) सेकण्ड एक्ट, 2009 एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
डी. पी. पाराशर, उप-सचिव.

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND ACT, 2009

An Act

to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2010 and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS in pursuance of the guidelines and regulations for regularisation of unauthorised colonies, necessary steps are being taken which, *inter alia*, involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use streets, approval of layout plans, fixation of boundaries, change of land use and identification of colonies not eligible for regularisation;

AND WHEREAS more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village *abadi* area and its extension;

AND WHEREAS the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in the National Capital Territory of Delhi has been considered and a Bill, namely, the Delhi Urban Shelter Improvement Board Bill, 2009 has been prepared by the Government of National Capital Territory of Delhi to provide for implementation of schemes for improvement of *Jhuggi-Jhompri* clusters and its redevelopment with a view to bring improvement in environment and living conditions, and preparing housing scheme for resettlement of persons;

AND WHEREAS the draft policy regarding farm houses has been formulated by the Delhi Development Authority and has been forwarded to major stakeholders for their views and comments;

AND WHEREAS in pursuance of the Master Plan for Delhi, 2021, the policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st day of December, 2008; 43 of 2007.

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act referred to in the preceding paragraph for a period up to the 31st day of December, 2009 to make special provisions for the areas of National Capital Territory of Delhi and that Act shall cease to operate after the 31st day of December, 2009; 24 of 2009.

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2010 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009.

(*2*) It extends to the National Capital Territory of Delhi.

(*3*) It shall come into force on the 1st day of January, 2010.

(*4*) It shall cease to have effect on the 31st day of December, 2010, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act. 10 of 1897.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (*3*) of section 189 and sub-section (*1*) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (*1*) of section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(*b*) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (*11*) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(*c*) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(*d*) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957. 44 of 1994. 61 of 1957.

(*e*) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O.141(E), dated the 7th day of February, 2007, under the Delhi Development Act, 1957; 61 of 1957.

(*f*) "notification" means a notification published in the Official Gazette;

(*g*) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(*h*) "relevant law" means in case of--

(*i*) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(*ii*) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(*iii*) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(*i*) "unauthorised development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(*2*) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957. 66 of 1957. 44 of 1994.

Enforcement to be kept in abeyance.

3. (*1*) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(*a*) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(*b*) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(*c*) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(*d*) policy regarding existing farm houses involving construction beyond permissible building limits; and

(*e*) policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(*2*) Subject to the provisions contained in sub-section (*1*) and notwithstanding any judgment, decree or order of any court, *status quo*—

(*i*) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(*ii*) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (*1*),

shall be maintained.

(*3*) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (*1*), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2010.

(*4*) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2010, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (*2*) or sub-section (*3*), as the case may be.

Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(*a*) encroachment on public land except in those cases which are covered under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) of section 3;

(*b*) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2011.